

Appl. No. 10/719,793
Atty. Docket No. 9434
Amdt. dated February 1, 2006
Reply to Office Action of November 1, 2005
Customer No. 27752

REMARKS

Claim Status

Claims 1-12 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 U.S.C. §102 Over U.S. 3,690,321 (Hirschman)

Claims 1 and 3-9 have been rejected under 35 U.S.C. §102(b) as being anticipated by Hirschman.

With respect to the novelty of claims 1 and 3-9: The Office Action states that Hirschman discloses a catamenial device such as a tampon with longitudinally extending (length dimension) circumferentially (evenly) spaced grooves with a width varying cross-section as shown in Figure 5 and disclosed in Column 2, Lines 30-39.

Hirschman does not disclose the present invention of a tampon for feminine hygiene, which comprises an outer surface, wherein the outer surface of the tampon comprises a plurality of raised portions, wherein each of the raised portions comprises a length dimension and a width dimension; wherein the width dimension varies as measured along the length dimension. Applicant can find no disclosure in Hirschman regarding raised portions on the outer surface of a tampon. Hirschman only discusses the use of grooves at the outer surface of the end portion. (Column 2, Lines 33-38) Additionally, Figure 5 does not show raised portions on the outer surface of the tampon wherein the width varies, but rather a tampon where there is a restricted portion to allow the vaginal orifice to remain in its normal constricted form after insertion. (Column 2, Line 63 to Column 3, Line 7) Further, the section of Hirschman noted in the Office Action (Column 2, Lines 30-39) discloses that the end portion may be formed with a series of longitudinally extending, circumferentially spaced grooves, not raised portions on the outer surface of the tampon wherein the width varies.

Accordingly, Applicant respectfully submits that claim 1 and its dependent claims 3-9 are novel over Hirschman and the rejection should be withdrawn.

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Double Patenting

Claims 1-2 and 8-12 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 and 7-11 of copending Application No. 10/719,258.

In response Applicants are filing a terminal disclaimer to obviate a provisional double patenting rejection over a pending application (10/719,258) which is attached to this response.

Conclusion

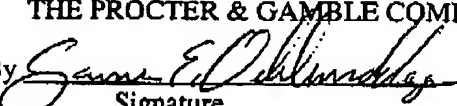
In light of the above remarks, it is requested that the Examiner reconsider and withdraw the double patenting rejection and the rejection under 35 U.S.C. §102(b). Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied reference. In view of the foregoing, reconsideration of this application and allowance of Claims 1-12 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

James E. Oehlenschlaeger

Typed or Printed Name

Registration No. 50,164

(513) 634-3447

Date: February 1, 2006
Customer No. 27752